

### **REMARKS**

Claims 1, 3, 10, 12, 13, 17-20, 22-24, 27, 28, 30, 31, 34-37, 40, 41, 43, 45, and 46 are pending in the application, claims 15, 16, 21, 47-49 being canceled herein. Claim 2, 4-9, 11, 14, 25, 26, 29, 32, 33, 38, 39, 42 and 44 were canceled previously. Claims 1, 10, 22, and 24 are the only independent claims.

Claims 22-24, 27, 28, 34-37, 40, 41, and 43 have been withdrawn from consideration owing to a restriction requirement. Accordingly, only claims 1, 3, 10, 12, 13, 17-20, 30, 31, 45, and 46 are currently under examination.

### ***Interview***

Applicant wishes to thank the Examiner for the courtesy of the telephone interview of 6 March 2009. During the interview, applicant, the undersigned attorney for applicant, and the Examiner discussed the background and usefulness of the invention, selected claim limitations, the prior art references U.S. Patent No. 6,616,603 to Fontana and U.S. Patent No. 5,840,013 to Lee et al. and potential alternative claim limitations to distinguish those references. Applicant appreciates the Examiner's assistance in identifying key differences between the cited prior art and the invention. The claims are amended herein to reflect those differences.

### ***Specification***

The Amendment filed 31 July 2008 has been objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. In particular, the Examiner points out that the word "inseparably" imposes a requirement on the disclosed invention that was not in the original disclosure.

The undersigned had believed that all endoscopes had inseparable light guides. However, as pointed out by the Examiner in the Office Action of 7 November 2008 and during the telephone interview of 6 March 2009, endoscopes with separable or replaceable image guide components are well known in the art.

The specification is amended herein to remove the word “inseparably”.

***Claims Rejections - 35 U.S.C. § 112***

Claims 1, 10, and 15 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner maintains that the claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. In particular, the Examiner points out that the original disclosure did not indicate that the illumination guide and image guides were inseparably connected to the insertion member of the endoscope.

In response to the rejection of claims 1, 10, and 15 under 35 U.S.C. § 112, first paragraph, claims 1 and 10 have been amended to eliminate the word “inseparably”. Claim 15 is canceled herein to avoid redundancy.

***Claims Rejections - 35 U.S.C. §§ 102 and 103***

Claims 1-3, 10, 12, 13, 15-21, 30, 31, and 45-49 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,840,013 to Lee et al. (“Lee”).

Claims 1, 3, 10, 12, 13, 15, 30, 31, and 45-49 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,616,603 to Fontana.

**Amendments** Pursuant to the telephone interview with the Examiner, applicant has amended independent claims 1 and 10 herein to better highlight differences between the invention and the prior art relied on by the Examiner, namely, Fontana and Lee et al. To distinguish the anoscope of Fontana from applicant's endoscope, applicant has amended claim 1 to recite that the image-carrying component or image guide is a fiber-optic bundle or an electrical cable. To distinguish claim 10 from the anoscope of Fontana, applicant has amended claim 10 to refer to a video-image-carrying component. As to claim 10, during the 1990s, the video image colonoscope supplanted the fiber optic colonoscope as the preferred instrument for colonoscopy. Introduced in 1993, it was made possible when advancements in image sensor technology allowed the CCDs used in hand held video cameras to be reduced to a size that would fit within the distal tip of an endoscope. Since then, technology has continued to advance, allowing further reductions of physical size of the CCD, while at the same time increasing the number of pixels in the sensor array. (All endoscope CCDs generate video signals; thus the amendment to claim 10 is not new matter but a description of an inherent well-known characteristic of endoscopes incorporating CCD cameras.)

As pointed out by the Examiner, the anoscope of Fontana has an image-carrying component or image guide in the form of a hollow tube provided at an inner end with a reflecting surface (7) that directs an image out of the anoscope to the user's eye. Fontana does not have a video-image-carrying component or and image guide in the form of a fiber-optic bundle or an electrical cable.

To distinguish the endoscopic instrument assembly of Lee et al., particularly the embodiment of Figure 14 relied on by the Examiner, applicant has amended claim 1

(claim 15 being canceled herein) to recite that the channel has a substantially circular cross-section and that the closure member is substantially disposed along the circumference of the circular cross-section. Thus, applicant's closure member does not extend into the channel, which would reduce the cross-sectional area for the passage of instruments.

In Figure 14 of Lee et al., the closure member (1230) is a hollow tube that is disposed halfway in the channel and half outside the channel (1246). The closure member thus extends into the channel and substantially reduces its cross-sectional area. In the Figure 14 embodiment of the Lee device, the closure member is not substantially disposed along the circumference of the circular cross-section, but rather protrudes both outwardly from and inwardly into the channel.

Claim 10 is amended, but with different language, to distinguish over Lee et al. According to amended claim 10, the channel has a substantially circular cross-section and the closure member is configured to not protrude into the channel and to substantially maintain the circular cross-section thereof.

Applicant respectfully submits that the current amendments distinguish over the Fontana and Lee references. The specification has been amended to provide antecedent basis for the claim amendments. Figures 7 *et seq.* provide support for the description, which is not new matter.

A Request for Continued Examination Transmittal form and an extension request are enclosed herewith.

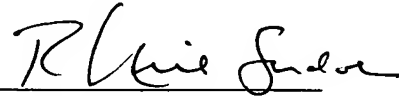
***Conclusion***

For the foregoing reasons, independent claims 1 and 10, as well as the claims dependent therefrom, are deemed to be in condition for allowance. An early Notice to that effect is earnestly solicited.

Should the Examiner believe that direct contact with applicant's attorney would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the number below.

Respectfully submitted,

COLEMAN SUDOL SAPONE, P.C.

By: 

R. Neil Sudol  
Reg. No. 31,669

714 Colorado Avenue  
Bridgeport, CT 06605-1601  
(203) 366-3560

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